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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re:

THE ROMAN CATHOLIC ARCHBISHOP OF
SAN FRANCISCO,

Debtor.

Chapter 11

Bankruptcy Case No. 23-30564

**APPELLANTS' STATEMENT OF ISSUES ON APPEAL AND
DESIGNATION OF RECORD**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, Appellants Chicago Insurance Company, Fireman's Fund Insurance Company, Westport Insurance Corporation f/k/a Employers Reinsurance Corporation, and Appalachian Insurance Company (collectively, "Appellants") submit the following: (i) statement of issues to be considered on appeal from the *Docket Text Order Granting Motion to Approve Compromise and Stipulation Modifying the Automatic Stay [ECF 1285]* entered by the Bankruptcy Court on September 2, 2025 (the "Docket Text Order"), and all other subsumed judgments, orders, and decrees brought up for review in the

1 appeal; and (ii) designation of items to be included in the record on appeal.

2 **I. Statement of Issues to be Presented on Appeal**

3 Appellants present the following statement of issues to be considered on appeal:

- 4 1. Whether the bankruptcy court erred by granting the *Debtor's Motion to Approve*
5 *Compromise and Stipulation Modifying the Automatic Stay* [ECF 1285] (the
6 "Motion") and approving the accompanying *Stipulation By and Among The Roman*
7 *Catholic Archbishop of San Francisco, the Official Committee of Unsecured*
8 *Creditors, and the Survivor Defendants* [ECF 1285-1] (the "Stipulation") without
9 identifying or applying the "for cause" standard under 11 U.S.C. § 362(d)(1).
10
- 11 2. Whether the bankruptcy court erred by granting the Motion and approving the
12 Stipulation without providing any analysis for why the requirements of Federal
13 Rule of Bankruptcy Procedure 9019 and controlling precedent related thereto,
14 including *In re A & C Props.*, 784 F.2d 1377 (9th Cir. 1986), were satisfied.
- 15 3. Whether the bankruptcy court erred in granting the Motion and approving the
16 Stipulation without making sufficient findings of fact in support of such relief.
- 17 4. Whether the bankruptcy court erred in granting the Motion and approving the
18 Stipulation without competent record evidence demonstrating the Debtor's
19 entitlement to such relief.
- 20 5. Whether the bankruptcy court erred in making the factual determination that the
21 Official Committee of Unsecured Creditors "did not unilaterally select the test
22 cases" to be released under the Stipulation without competent record evidence to
23 support its factual finding.
- 24 6. Whether the bankruptcy court erred in granting the Motion and approving the
25 Stipulation without also lifting the automatic stay for Appellants, leaving unclear
26 the extent to which the automatic stay may apply to certain actions Appellants may
27 take under their contracts or applicable law.
- 28 7. Whether the bankruptcy court erred in granting the Motion and approving the
Stipulation without determining whether the released state court actions are

representative of the pool of abuse claims.

8. Whether the bankruptcy court otherwise erred or abused its discretion in granting the Motion and approving the Stipulation.

II. Designation of Items to be Included in the Record on Appeal

Appellants submit the following designation of items to be included in the record on appeal, which include all exhibits, appendices, and/or addenda:

BANKRUPTCY DOCKET ENTRIES			
Item	Date Filed/ Entered	Bankr. Dkt. No.	Description
1.	August 21, 2023	1	Voluntary Chapter 11 Petition for the Roman Catholic Archbishop of San Francisco
2.	August 21, 2023	14	Declaration of Joseph J. Passarello in Support of Chapter 11 Petition and Debtor's Emergency Motions
3.	August 21, 2023	15	Declaration of Paul E. Gaspari in Support of Chapter 11 Petition and Debtor's Emergency Motions
4.	July 16, 2024	748	Order Setting Status Conference [<i>re Survivor Statements</i>]
5.	July 31, 2024	781	Order Granting Application To Schedule A Status Conference With Presentation Of Survivor Statements
6.	August 19, 2024	805	Order Setting Status Conference Re Presentation of Survivor Impact Statements
7.	August 28, 2024	829	Amended Order Granting Application To Schedule A Status Conference With Presentation Of Survivor Statements
8.	February 21, 2025	1012	The Official Committee of Unsecured Creditors' Motion for an Order Authorizing the Filing of Redacted Documents
9.	February 21, 2025	1013	Proposed Redacted Document
10.	February 21, 2025	1014	Proposed Redacted Document
11.	February 21, 2025	1015	The Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation

12.	February 21, 2025	1016	Relief from Stay Cover Sheet
13.	February 21, 2025	1017	Request for Judicial Notice in Support of the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
14.	February 21, 2025	1018	Declaration of Jesse Bair in Support of the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
15.	February 21, 2025	1019	Declaration of Vince Finaldi in Support of the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
16.	February 21, 2025	1020	Declaration of Richard Simons in Support of the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
17.	February 21, 2025	1021	Notice of Hearing Regarding the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
18.	February 21, 2025	1025	Order Granting the Official Committee of Unsecured Creditors' Motion for an Order Authorizing the Filing of Redacted Documents
19.	March 12, 2025	1080	Debtor's Status Conference Statement for March 13, 2025, Status Conference
20.	March 13, 2025	1081	Certain Insurers' Objection to the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
21.	March 13, 2025	1083	Debtor's Opposition to the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation

22.	March 18, 2025	1092	Transcript Regarding Hearing Held March 13, 2025
23.	March 20, 2025	1097	The Official Committee of Unsecured Creditors' Reply Brief In Support of an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
24.	March 25, 2025		Docket Text Order
25.	March 27, 2025		MINUTES (RE: Motion for Relief from Stay Fee Amount [D.E. 1015])
26.	March 27, 2025	1112	PDF with attached Audio File of the March 27, 2025 Hearing
27.	April 10, 2025	1138	Memorandum Decision on Motion for Relief from Stay
28.	April 10, 2025	1139	Order Granting in Part Certain Trial-Ready Survivors Relief from The Automatic Stay to Pursue State Court Litigation
29.	April 15, 2025	1144	Transcript Regarding Hearing Held on March 27, 2027
30.	June 24, 2025		Docket Text Order
31.	August 7, 2025	1285	Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
32.	August 7, 2025	1286	Notice of Hearing on Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
33.	August 7, 2025	1287	Request to Take Judicial Notice and Supporting Evidence in Support of Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
34.	August 7, 2025	1288	Declaration of Fr. Patrick Summerhays in Support of Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
35.	August 15, 2025	1293	The Official Committee of Unsecured Creditors' Joinder to Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay

36.	August 21, 2025	1302	Insurers' Objection to Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
37.	August 21, 2025	1303	Interstate Insurers' and Appalachian's Joinder to Insurers' Objection to Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
38.	August 26, 2025	1305	Notice of Amended Exhibit in Support of Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
39.	August 28, 2025	1311	Debtor's Omnibus Reply to Objection to Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
40.	August 28, 2025	1312	Declaration of Paul J. Pascuzzi in Support of Debtor's Omnibus Reply to Objection to Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
41.	August 28, 2025	1315	The Official Committee of Unsecured Creditor's Reply in Support of the Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
42.	August 29, 2025	1318	Debtor's Status Conference Statement for September 4, 2025, Status Conference
43.	September 2, 2025		Docket Text Order Granting Motion
44.	September 4, 2025	1321	The Official Committee of Unsecured Creditors' Status Conference Statement for September 4, 2025, Status Conference
45.	September 4, 2025	1322	PDF with attached Audio File of the September 4, 2025 Hearing
46.	September 15, 2025	1331	Notice of Fully Executed Stipulation by and Among the Roman Catholic Archbishop of San Francisco, The Official Committee of Unsecured Creditors and The Survivor Defendants
47.	September 16, 2025	1341	Notice of Appeal filed by Century Indemnity Company, Pacific Indemnity Company, and Westchester Fire Insurance Company
48.	September 16, 2025	1342	Insurers' Motion to Stay Pending Appeal filed by Century Indemnity Company, Pacific Indemnity Company, and Westchester Fire Insurance Company

49.	September 16, 2025	1343	Notice of Appeal filed by Chicago Insurance Company, Fireman's Fund Insurance Company, Westport Insurance Corporation f/k/a Employers Reinsurance Corporation, and Appalachian Insurance Company
50.	September 16, 2025	1344	Notice of Appeal filed by Certain Underwriters at Lloyd's, London and Certain London Market Companies
51.	September 17, 2025	1345	Transcript Regarding Hearing Held September 4, 2025
52.	September 17, 2025	1346	Order Granting Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
53.	September 17, 2025		Docket Text Order
54.	September 22, 2025	1349	Service of Notice of Appeal
55.	September 22, 2025	1352	Service of Notice of Appeal
56.	September 22, 2025	1353	Court Certificate of Mailing
57.	September 22, 2025	1354	Service of Notice of Appeal
ADVERSARY PROCEEDING DOCKET ENTRIES (Adv. Proc. No. 25-03019)			
1.	April 28, 2025	1	Complaint Seeking Declaratory And Injunctive Relief Under Bankruptcy Code Sections 105(a) And 362 That The Automatic Stay Extends To All State Court Cases In Which Debtor Is Named As A Defendant And As To All Cases In Which A Non-Debtor Affiliate Is Named As A Defendant
2.	May 29, 2025	7	Stipulation Permitting The Official Committee of Unsecured Creditors to Intervene
3.	May 29, 2025	8	Motion for Order Extending Stay To All State Court Cases In Which Debtor and/or Non-Debtor Affiliates Are Named As Defendants Under Bankruptcy Code Sections 105(a) And 362
4.	May 29, 2025	9	Notice of Hearing on Motion for Order Extending Stay To All State Court Cases In Which Debtor and/or Non-Debtor Affiliates Are Named As Defendants Under Bankruptcy Code Sections 105(a) And 362

5.	May 30, 2025	11	Order Approving Stipulation Permitting the Official Committee of Unsecured Credits to Intervene
6.	June 12, 2025	13	The Official Committee of Unsecured Creditors' Opposition to the Debtor's Motion for an Extension of the Automatic Stay to All State Court Cases in Which the Debtor and Non-Debtor Affiliates are named as Defendants Under Bankruptcy Code Sections 362 and 105(a)
7.	June 12, 2025	14	Declaration of Jesse J. Bair in Support of the Committee's Opposition to the Debtor's Motion for an Extension of the Automatic Stay to All State Court Cases in Which the Debtor and Non-Debtor Affiliates are named as Defendants Under Bankruptcy Code Sections 362 and 105(a)
8.	June 12, 2025	15	Request for Judicial Notice in Support of the Official Committee of Unsecured Creditors' Opposition to the Debtor's Motion for an Extension of the Automatic Stay
9.	June 13, 2025	17	Stipulation Staying State Court Litigation Against High School Defendants
10.	June 19, 2025	18	Reply in Support of Motion for Order Extending Stay to All State Court Cases in Which Debtor and/or Non-Debtor Affiliates are named as Defendants Under Bankruptcy Code Sections 105(a) and 362
11.	June 20, 2025	19	Order Approving Stipulation Staying State Court Litigation Against High School Defendants
12.	June 24, 2025	[]	Hearing continued pursuant to an agreement among the parties. (RE: related document(s) <u>8</u> Motion for Order Extending Stay to all State Court Cases in which Debtor and/or Non-Debtor Affiliates are Named Defendants under Bankruptcy Code sections 105(a) and 362). Hearing scheduled for 07/17/2025 at 1:30 PM in/via Tele/Videoconference - www.canb.uscourts.gov/calendars .

13.	June 24, 2025	[]	Hearing continued (RE: related document(s) <u>1</u> Complaint). Hearing scheduled for 07/17/2025 at 1:30 PM in/via Tele/Videoconference - www.canb.uscourts.gov/calendars .
14.	July 15, 2025	[]	Hearing continued. The hearing on 7/17/25 regarding Motion for Order Extending Stay to all State Court Cases in which Debtor and/or Non-Debtor Affiliates are Named Defendants under Bankruptcy Code sections 105(a) and 362 is continued to 8/14/25 at 1:30 p.m. per an agreement among the parties. (RE: related document(s) <u>8</u> Motion for Order Extending Stay to all State Court Cases in which Debtor and/or Non-Debtor Affiliates are Named Defendants under Bankruptcy Code sections 105(a) and 362). . Hearing scheduled for 08/14/2025 at 1:30 PM in/via Tele/Videoconference - www.canb.uscourts.gov/calendars .
15.	July 15, 2025	[]	Hearing continued. The scheduling conference on 7/15/25 is continued to 8/14/25 at 1:30 p.m. (RE: related document(s) <u>1</u> Complaint). Hearing scheduled for 08/14/2025 at 1:30 PM in/via Tele/Videoconference - www.canb.uscourts.gov/calendars .
16.	August 7, 2025	21	Stipulation By and Among The Roman Catholic Archbishop of San Francisco, The Official Committee of Unsecured Creditors, and The Survivor Defendants
17.	August 11, 2025	[]	Hearing continued. The hearing regarding Motion for Order Extending Stay to all State Court Cases in which Debtor and/or Non-Debtor Affiliates are Named Defendants under Bankruptcy Code sections 105(a) and 362 is continued to 9/4/25 at 1:30 p.m. (RE: related document(s) <u>8</u> Motion for Order Extending Stay to all State Court Cases in which Debtor and/or Non-Debtor Affiliates are Named Defendants under Bankruptcy Code sections 105(a) and 362). Hearing scheduled for 9/4/2025 at 1:30 PM in/via Tele/Videoconference - www.canb.uscourts.gov/calendars .

18.	August 11, 2025	[]	Hearing continued. The scheduling conference is continued to 9/4/25 at 1:30 PM. (RE: related document(s) <u>1</u> Complaint). Hearing scheduled for 9/4/2025 at 1:30 PM in/via Tele/Videoconference - www.canb.uscourts.gov/calendars.
19.	August 26, 2025	22	Notice of Amended Exhibit B to Stipulation By and Among The Roman Catholic Archbishop of San Francisco, The Official Committee of Unsecured Creditors, and The Survivor Defendant
20.	September 4, 2025	[]	Hearing Held. Motion is taken off calendar; order to follow. (RE: related document(s) <u>8</u> Motion for Order Extending Stay to all State Court Cases in which Debtor and/or Non-Debtor Affiliates are Named Defendants under Bankruptcy Code sections 105(a) and 362).
21.	September 4, 2025	23	PDF with attached Audio File of the September 4, 2025 Hearing
22.	September 15, 2025	25	Notice of Fully Executed Stipulation By and Among The Roman Catholic Archbishop of San Francisco, The Official Committee of Unsecured Creditors, and The Survivor Defendant
23.	September 17, 2025	26	Transcript Regarding Hearing Held September 4, 2025
24.	September 17, 2025	27	Stipuated Order Granting Preliminary Injunction and Granting Relief from Stay

CERTIFICATE PURSUANT TO BANKRUPTCY RULE 8009(b)(1)(B)

Appellants respectfully certify that they are not ordering any transcripts, as the relevant transcripts have been transcribed and docketed.

Dated: September 30, 2025

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